

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**BROOKLYN BOTTLING OF MILTON,
NEW YORK, INC.**

Plaintiff,

-v.-

ECUABEVERAGE CORPORATION,

Defendant,

:

:

:

:

:

:

Civil Action No.

07-CV-08483-AKH

**AFFIRMATION OF EDWIN D. SCHINDLER
IN SUPPORT OF DEFENDANT ECUABEVERAGE CORPORATION'S
MOTION FOR SANCTIONS, PURSUANT TO FED.R.CIV.P. 11**

I, EDWIN D. SCHINDLER, a member of the Bars of the State of New York and of the United States District Court for the Southern District of New York, hereby affirm, under penalty of perjury, that:

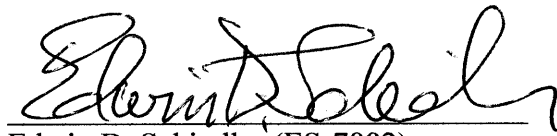
1. I am the attorney-of-record representing Defendant Ecuabeverage Corporation in the above-captioned civil action and I personally drafted *Defendant's Ecuabeverage Corporation's Motion for Sanctions, Pursuant to Fed.R.Civ.P. 11* and all supporting papers.

2. All facts presented in *Defendant's Ecuabeverage Corporation's Motion for Sanctions, Pursuant to Fed.R.Civ.P. 11* and *Defendant Ecuabeverage Corporation's Memorandum in Support of its Motion for Sanctions, Pursuant to Federal Rule of Civil*

Procedure 11, regardless of the sectional heading under which such facts appear, are true to the best of my knowledge and belief.

3. "*Affirmation – Exhibit 1*" is a true and accurate copy of an "Original Message" e-mail sent by me to Jeffrey E. Jacobson on February 25, 2008, and Mr. Jacobson's reply of the same date. The e-mail exchange labeled "*Affirmation – Exhibit 1*" was printed on February 29, 2008.

Dated: April 15, 2008



Edwin D. Schindler (ES-7882)

Attorney for Defendant

Five Hirsch Avenue

P. O. Box 966

Coram, New York 11727-0966

Telephone: (631)474-5373

Fax: (631)474-5374

E-Mail: EDSchindler@worldnet.att.net

EDSchindler@optonline.net

CERTIFICATE OF ORIGINAL SERVICE OF FED.R.CIV.P. 11 MOTION

I, EDWIN D. SCHINDLER, attorney for Defendant Ecuabeverage Corporation., hereby certify that I served a complete copy of the *Affirmation of Edwin D. Schindler in Support of its Motion for Sanction, Fed.R.Civ.P. 11*, upon the following counsel for Plaintiff Brooklyn Bottling of Milton, New York, Inc., via First-Class Mail, postage pre-paid:

Jeffrey E. Jacobson
Bruce E. Colfin
JACOBSON & COLFIN, P.C.
60 Madison Avenue, Suite 1026
New York, New York 10010

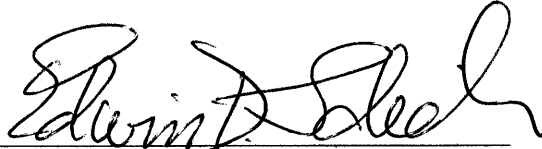
and

via E-Mail at:

jeffrey@thefirm.com

bruce@thefirm.com

on April 15, 2008.


Edwin D. Schindler (ES-7882)
Attorney for Defendant

CERTIFICATE OF SERVICE

I, EDWIN D. SCHINDLER, attorney for Defendant Ecuabeverage Corporation., hereby certify that I served a complete copy of *Affirmation of Edwin D. Schindler in Support of Defendant Ecuabeverage Corporation's Motion for Sanction, Pursuant to Fed.R.Civ.P. 11*, upon the following counsel for Plaintiff Brooklyn Bottling of Milton, New York, Inc., via First-Class Mail, postage pre-paid:

Jeffrey E. Jacobson
Bruce E. Colfin
JACOBSON & COLFIN, P.C.
60 Madison Avenue, Suite 1026
New York, New York 10010

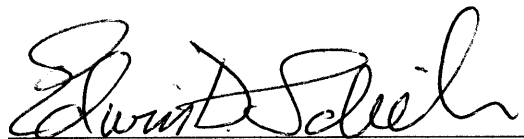
and

via E-Mail at:

jeffrey@thefirm.com

bruce@thefirm.com

on May 7, 2008.

A handwritten signature in black ink, appearing to read 'Edwin D. Schindler', written over a horizontal line.

Edwin D. Schindler (ES-7882)
Attorney for Defendant